

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

PERRY L. JOHNSON

Serial No.: 10/500,181

Filed: December 31, 2001

For: METHOD FOR PERFORMING REGISTRATION AUDITS

Attorney Docket No.: PJI 0105 PUSA

Group Art Unit: 3696

Examiner: Martin A. Gottschalk

EXPLANATION UNDER 37 C.F.R. § 1.98(a)(3)(i)

Mail Stop Amendment
Commissioner for Patents
U.S. Patent & Trademark Office
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Sir:

In accordance with 37 C.F.R. §1.98(a)(3)(i), the following is a non-certified translation of comments regarding the "Guide for Software Quality System Examination, Software ISO9000" made by a Japanese Examiner during the examination of Japanese Patent Application No. 2003-558672, which was based on PCT/US01/50028:

The cited reference 1 discloses, on pages 156-158, as "4.17 Internal Quality Audits" in "Chapter 4, Application of Each of the Requirements of ISO 9001 to Software,"

that "Internal Quality Audits - Element 4.17

The supplier shall establish and maintain documented procedures for planning and implementing internal quality audits to verify whether quality activities and related results comply with planned arrangements and to determine the effectiveness of the quality system.

Internal quality audits shall be scheduled on the basis of the status and importance of the activity to be audited and shall be carried out by personnel independent of those having direct responsibility for the activity being audited.

The results of the audits shall be recorded (see 4.16) and brought to the attention of the personnel having responsibility in the area audited. The management personnel responsible for the area shall take timely corrective action on the deficiencies found during the audit.

Follow-up audit activities shall verify and record the implementation and effectiveness of the corrective action taken (see 4.16)."

The cited reference 1 also discloses, on pages 204-210, as "5.6 Internal Quality Audits" in "Chapter 5, Procedures for Audit Registration and Establishment of a Quality System,"

that "There are two method for Quality Audits as follow.

(1) Quality Audits Performed Internally

(2) Quality Audits performed by a Customer or a Third Party

. . . In an external audit, advice for improvements is not usually made. In an internal audit, it is important to bring about improvements in addition to merely pointing out problems. Non-compliance or a question detected in an internal audit is put in a list organized by a sort of countermeasures, to expedite a solution. It is not sufficient to take countermeasures against a detected problem only for the departments or divisions at which the problem is detected. It is important to disseminate problems to related departments or divisions to prevent non-compliance of the same kind."

2. Comparison

(1) Comparing the invention recited in claims 1-15 and the invention disclosed in the cited reference 1, as pointed out in the above ground 1, although claims 1-15 is not definite in the constitution as an invention, is merely an arbitrary arrangement, does not utilize a law of nature, and does not fulfill the requirement of Patent Law Section 29(1) main paragraph, the steps of reviewing a quality system for compliance with the quality standard, analyzing the quality system to identify improvements to be made based on knowledge and judgment of an auditor, and communicating the improvements to the customer are disclosed in the cited reference 1. How many improvements are identified in dependent on the system to be analyzed and is not a technically significant limitation. Also claims 2-15 are not definite, and are considered to add merely arbitrary arrangements and not to add technically inventive constitution. Therefore, the invention as recited in claims 1-15 is considered to have been easy to invent by a person having ordinary skill in the art on the basis of the invention described in the cited reference 1.

For the above reasons, the invention as recited in claims 1-15 is considered to have been easy to invent by a person having ordinary skill in the art on the basis of the invention described in the cited reference 1 and consequently cannot be granted a patent under the provision of Patent Law Section 29(2).

Respectfully submitted,

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Date: February 13, 2009

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